

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claim Status

In this response, claim 1 has been amended via the inclusion of the subject matter of claim 6, and claims 6 and 10 have been cancelled. Claims 1-5, 7-9 and 11-13 therefore remain pending in the application.

Drawings

In this response Fig. 3 has been amended in a manner which changes the numeral "26" to "16." This amendment overcomes the objection raised in paragraph #2 of this Office Action.

Specification

The specification has been amended in manner which overcomes the objection raised in paragraph #3 of this Office Action.

Rejection under 35 USC § 102

The rejection of claims 1-3 under 35 US § 102(e) as being anticipated by Tada et al. (U.S. Patent 2002/0109674) is respectfully traversed.

In this response claim 1 has been amended in a manner which calls for a ring, which is separate from the window, to be attached to the body and is configured to prevent the movable part from losing contact with the body. This overcomes the anticipation which is based on the ball cover 7 and retainer 8 being members which anticipate the claimed window. That is to say, inasmuch as the window and the ring are separate members the claimed window is not found in the Tada et al. document. Besides the ball cover and retainer were not such as to enable access to the interior of the housing without removing the ball 2 and thus could not have met the requirement that the window is removable attached to the cover so as to permit access to the maintenance means without removing the trackball from the cover.

Rejections under 35 USC § 103

The rejection of claims 4-5, 7-9, and 11-13 under 35 USC §103(a) as being unpatentable over Tada et al. (U.S. Patent 2002/0109674) is respectfully traversed.

It is submitted that this rejection is rendered moot the amendments which overcome the anticipation of the claim/claims from which claims 4-5, 7-9, and 11-13 depend either directly or indirectly.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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KMB/KT/jlb/mkl